

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

VIRTAMOVE, CORP.,	§	Case No. 2:24-cv-00093-JRG
	§	(Lead Case)
Plaintiff,	§	
	§	
v.	§	<b>JURY TRIAL DEMANDED</b>
	§	
HEWLETT PACKARD ENTERPRISE COMPANY,	§	
	§	
Defendant.	§	
	§	
<hr style="border: 0.5px solid black;"/>		
VIRTAMOVE, CORP.,	§	Case No. 2:24-cv-00064-JRG
	§	(Member Case)
Plaintiff,	§	
	§	
v.	§	<b>JURY TRIAL DEMANDED</b>
	§	
INTERNATIONAL BUSINESS MACHINES CORP.,	§	
	§	
Defendant.	§	
	§	
	§	

**ORDER GRANTING INTERNATIONAL BUSINESS MACHINES CORP.’S  
MOTION TO EXCLUDE CERTAIN OPINIONS OF JIM BERGMAN**

Having considered Defendant and Counter-Plaintiff International Business Machines Corp.’s (“IBM”) Motion to Exclude Certain Opinions of Jim Bergman and the associated briefing and any other materials in the record, **IT IS HEREBY ORDERED** that:

1. Mr. Bergman is prohibited from offering his opinions relying on the AppFirst Agreement in its entirety and ¶¶ 199–203, 214, 232, 271, 273–77 of the Opening Expert Report of Jim Bergman (“Bergman Op. Rpt.”) are stricken;

2. Mr. Bergman is prohibited from offering his opinions regarding the Income Approach in its entirety and ¶¶ 158–64, 176–77, 256, 266 and § XIV of the Bergman Op. Rpt. are stricken; and
3. Mr. Bergman is prohibited from offering his opinions regarding ceasing sales of V-Maestro constituting a non-infringing alternative in its entirety and ¶¶ 166–75 of the Bergman Op. Rpt. are stricken.

Defendant's motion is **GRANTED**.